

# AIRD & BERLIS LLP

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February 10, 2012

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WITHOUT PREJUDICE

U.S. Environmental Protection Agency  
Superfund Division (SR-61)  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

**Attention: Michelle Kerr, Remedial Project Manager**

Dear Ms. Kerr:

**Re: Chemetco Superfund Site – Hartford, Illinois**

We are counsel to Ingot Metal Co. Ltd. (“Ingot”) in this matter. As such, all future correspondence should be directed to our attention.

Aird & Berlis LLP  
Suite 1800, Box 754  
181 Bay Street  
Toronto, Ontario M5J 2T9

Attention: Mr. Scott A. Stoll  
Tel: (416) 865-4703  
Email: [ssstoll@airdberlis.com](mailto:ssstoll@airdberlis.com)

Our client received an undated General Notice Letter (“Notice”) regarding the Chemetco Superfund Site. This Notice indicated that a response was requested by December 31, 2011 indicating whether Ingot was interested in participating in future negotiations. It further requested a response to the Information Request within 30 days. We are responding to both these items.

The Notice was not received until just prior to the December 31, 2011 deadline and as such it was not reasonable to expect a reply from Ingot in that timeframe. As you are no doubt aware Chemetco has been out of business for over a decade and any transactions identified predate its filing for bankruptcy. Any records my clients have would have related to this matter would need to be retrieved from storage and reviewed to respond to the information request. It is unreasonable to expect such a fast response given these circumstances.

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We have conducted a preliminary review of the limited information in the Notice as to the amounts supplied by potential responsible parties and have a couple of comments. It is not apparent that Ingot's products are properly described and therefore may not come within the statutory definition of Hazardous Waste. The definition of "Slag" is related to a toxic substance, Antimony, which is not consistent with my client's product. Furthermore, the amount you have attributed to Ingot in the Notice is less than 1/3 of a percent of the identified materials. Given the extremely limited sample size, the length of time Chemetco was in operation and the fact that Ingot seldom dealt with Chemetco, any possible contribution of Ingot will be trivial.

My client has indicated a willingness to consider participating in future negotiations solely to finally resolve this matter and in no way admits any liability nor has it waived any jurisdictional arguments or rights.

Yours truly,

AIRD & BERLIS LLP



Scott A. Stoll

cc: Ingot Metal Co. Ltd.

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